22: Wiedfeldt--28-29 F-5 (1913) 1914 Formosan Aborigines
116, 685, 691, 421 Atayal

Civil cases among the Atayals [29] really amount to nothing more than contests about property and possession, the former between clans and the latter between families. ... Since there is no surveying and no fences, disputes about property lines are frequent and are difficult to decide. The Atayals have no written records. They do not know how to deal with the conflicting statements of different people, no matter how greatly they rely upon the testimony of eye-witnesses because of their great love of the truth... They do not consider it feasible to take the short additional step of determining a contested boundary line according to the testimony of the oldest people. They think this is too difficult and too uncertain in view of the importance of the matter.

It may be shown that the Atayals recognize the existence of such a thing as a corporation from the fact that the clan has property, buys and sells land, that it has definite representation, and that action may be brought against it, as it may bring action against someone else. In spite of this, I do not think that the Atayals see the clan as a special repository of their legal rights. It is more probable that they merely regard the head of the clan as the member who has to take care of the joint liabilities of the families in the clan together with them and as their authorized agent. Taking the law into one's own hands is not limited to cases of self-defence. For example, if an adopted child runs away, and the adoption money is not returned, the head of the family can take another child from this family or clan without further ado. [43] Other legal principles, such as fixing a term, or full power of attorney, are also known.

22: Wiedfeldt--43 [3] F-5 (1913) 1914 Formosan Aborigines
116, 421 Atayal

In the field of property law among the Atayals, the most important institution, ownership, is clearly present as the complete and exclusive right to dispose of a thing. There is no such right to dispose of persons. The purchaser may neither kill nor mistreat a child he has purchased. Every individual is the absolute owner of his possessions, which even follow him to the grave. The clan is the owner of the arable land. The hunting-grounds are the joint property of several clans. The law is closely adapted to the economic possibilities, for the land is of no value to the individual family after two or three years, but it continues to be of value to the clan. During such time as they keep the land planted, the family enjoys undisputed possession of it. The families do not have even a temporary share in the ownership of the hunting-grounds, which are the common property of several clans. The members of the clans in question, accordingly, have only the right to use the hunting-grounds, without any special duty to be performed in return, unless one considers as such the general duty to defend the members of the clan. If, thus, property, ownership, and usufruct appear to be legal concepts which are common among the Atayals, on the other hand they are completely unacquainted with hypothecary law, mortgages, and taxes on real property.

22: Wiedfeldt--43-44 F-5 (1913) 1914 Formosan Aborigines
116, 421, 581, 584 Atayal

In the field of marriage law... [44] the Atayals clearly recognize the idea of monogamy, which is generally practised. They are acquainted with the idea of betrothal, which they accomplish by means of making a payment on the price of the bride. The betrothal may be dissolved by paying it back. Marriage itself is minutely, one might say, exhaustively regulated as to the terms under which it may be made and unmade. It is not unsuitably connected with the only form of contract that they know of, that of cash purchase. Married couples live, so to speak, with separate property rights, for each one retains the property which he or she has brought to the marriage, and ultimately takes them along to the grave. Anything that is acquired during their married life, such as provisions, belongs to both persons equally, and is left to the survivor.

22: Wiedfeldt--33-34 F-5 (1913) 1914* Formosan Aborigines
116, 417, 283, 286 Atayal

They can build suspension bridges up to 30 meters long out of Katsura wood, and they can span mountain streams with strips of rattan, the ends of which are fastened to projecting rocks or trees. [34] Although these are only continuations of the trees that overhang the mountain brooks of Formosa, and which provide a natural connection which is somewhat strengthened by the rattan, nevertheless this process of making bridges by tieing the trees together is a considerable technical accomplishment on the part of the Atayal men. On the feminine side, it is paralleled by the weaving of garments with the primitive loom. Perhaps this may even be regarded as a superior accomplishment; the ramie grass, like the hemp, passes through their hands nine times.

Administration of justice among the natives.

When peoples live as simply as the mountain natives of Formosa, they obtain practically everything that they need from nature, and so there is no necessity or even a desire to possess more than they need for the present day. Accordingly, there are no quarrels such as those which arise about property and possessions when people live close together and have to struggle to meet their daily needs. If a private disagreement arises about a piece of property, the whole native community is not disturbed, but leaves it to the wronged individual to take care of the matter. Some of the Formosan tribes, such as the Vonum in the central part of the island, say that there is no theft whatsoever, and that it is not a question of stealing to take fruits and vegetables which others have gathered. Other tribes, however, which engage in tilling the soil as well as hunting, have domestic animals and many valuable objects. There are rich and poor citizens, and they know the meaning of property infringements. In all of the tribes, however, there are certain actions which are regarded as an insult against their conception of law and as a disturbance of public order, and so these cannot be tolerated. In conformity with these ideas, some form of controlling and punishing these illegal actions has been devised. According to the prevailing views, the same deed may be judged a light or a severe offence by the different tribes, and the punishment will be a mild or a stringent one.

34: Del Re--19-20 U-4 (no date) No Date Formosans-Aborigines
116, 619, 621, 183, 577, 421, 437 Yami

"The above [MLB: reluctance of Yami youths to enter government service] follows naturally from the basic principle of [20] their community life, namely that all members of the tribe have full and equal rights and freedom of action limited only by tribal custom which represents the collective will of the community freely accepted by and identifired with that of the individual. This also finds practical expression in their communal attitude towards all except a very few strictly personal belongings such as small canoes and ornaments. Everything else is held in common by the village. Uncultivated land, or land that has ceased to be cultivated, is the property of the community, but anyone who so wishes may take and cultivate it and in this sense it may be called his. Should he allow it to run wild, however, he cannot prevent another from cultivating it and enjoying its fruits. The large canoes and articles of clothing are also communal. In the event of a native wishing for something in the temporary possession of another he need only ask the present owner for it, but is in turn expected, as a matter of course, to do likewise. Such transactions are not necessarily in the nature of an exchange nor is a regular system of barter practised except for goods from outside."

34: Del Re--20-23 U-4 (no date) No Date Formosan Aborigines
116, 183, 421, 577, 627, 777 Yami

"The real secret of the smooth working of their system of life may be attributed to the absence of any selfish possessive feeling in respect of things and persons based on deep-rooted 'natural' ethical principles which allow the reciprocal claims of the individual and the community to be harmoniously adjusted in a spirit of freedom and equality. An illuminating instance of [pages 21 and 22 contain illustrations] [23] the application of these principles (6) is seen in the custom, which still persists though

6. According to VF (Pt. I, p. 9) community of property is not usual among other Formosan savages.

frowned upon by the police, of settling every community dispute by means of a wrestling match followed, in cases where the two parties are not satisfied, by a bloodless duel. When this occurs, the two opponents armed with bamboo lances and wearing rattan armour proceed to the seashore accompanied by their seconds and there fight it out. It rarely happens that either is seriously injured or killed, because this would be considered highly unlucky and must therefore be avoided."

49: Wei E-5 (1955) 1955 AD1 Formosa
Formosan Aborigines AD4
Paiwan

ƥulti	„	*talialuƥ*	„
aviaŋaŋ	„	*tsiŋulol*	„
tsaovarul	„	*ɾuvaniau*	„
ɾalide	„	?	
atsaʔatsaraŋ	„	?	

B. Tax and labour

All dwelling lands (*inaraŋ*), hunting grounds (*aliuƥaŋ*), fishing grounds (*ƥana*), cultivating lands (*atuŋaŋaŋ*) and things above the land were owned by aristocratic households. A commoner in order to have some lands to till, some grounds for hunting and fishing, and stones and fuel to be collected in the valleys or on the mountains, must submit himself to some aristocratic household as a serf (*unutal*)., and is obliged to pay taxes to render feudal labours to his feudal lord. Taxes are of the following kinds:

a) *wadis na satsɔmul*—tax for hunting animal
b) *wadis na ƥana*—tax for fishing
c) *wadis na atsaŋ*—tax for domesticating animal
d) *itsivoŋ*—wine tax
e) *iluƥluƥ*—tax for collecting fuel
f) *paʔa*—tax for trading
g) *paʔa lura ta putsel*—tax for marriage

Feudal labours of a serf to his feudal lord are of the following kinds:

a) Land tillage (*pataʔalaŋ*): Each aristocratic household has preserved a portion of tilling land for its own. This portion of land is called *vavutɔloŋ*. The *vavutɔloŋ* of the *ɾuvaniau* household was tilled by all commoners of the village. Other *vavutɔloŋ* were respectively tilled by serfs of those households. All products of these *vavutɔloŋ* belong to the aristocratic households. This land-tillage system has been employed in Chala'abus village to substitute the land-tax.

b) House-building and house repairing (*jiraŋuts*): The commoners have the obligation to build or repair houses for chiefs. All commoners are obliged to render this kind of service to the *ɾuvaniau* and *sadilapaŋ* households.

c) Miscellaneous duties (*painuma a tsɔvatsɔvuŋ*): Commoners must render services to chiefs' households in their marriage, funeral or other occasions of the same kind.

d) Travelling service (*putsatsalaŋ*): A chief may require certain commoner to accompany him when travelling.

C. Tributary and audience

The representative of the big chief in other villages must pay visits and tributes to his overlord the *ɾuvaniau* household after the harvests of millet and taro. Tributes presented by a *pinairaratse* to his overlord include 20 bundles of millet ears, a bottle of wine, a pig, 10 bunches of betel nut, a bag of groundnuts. In time of the five-years-feast, the chiefs of Chala'abus will be invited to visit villages where they have their representatives. At the death of the *pinairaratsɔ*, the overlord must condole the family of the dead and at the same time appoints the *usam* or heir of the family to succeed